

Intellectual Property Policy of Ritsumeikan University
(translation for reference)

Chapter 1 Ritsumeikan University's Basic Philosophy of Industry-University
Collaboration and Intellectual Property

1. Basic Concept of Industry-University Collaboration

In modern society, research in the humanities and social and natural sciences is not only experiencing rapid development characterized by continuing advances and diversification, but must also respond to strong needs for fusion among existing scientific disciplines and the creation of new scientific disciplines. In this kind of academic environment, universities are not constrained solely to the pursuit of traditional methodologies and fields of research, but can and should adapt their research policies to fulfill the university's intrinsic mission of contributing to human welfare and social progress through a dialogue with the nonacademic community.

Ritsumeikan University (hereinafter called "RU") and its educational and research staff are responding positively to these needs by pioneering and promoting interchanges with the national and municipal sectors, private enterprise, and others outside the university under RU's founding spirit of "Freedom and Freshness" and academic principles of "Peace and Democracy." In addition to education and research, which have been the university's basic and traditional missions, RU is committed to the university's contribution to society as one of its important missions and to this end, is striving to create a new era in industry-university collaboration.

RU recognizes that now, more than ever, society places expectations on universities in many aspects. Affirming its intention to play the proper role of a university as a member of society, RU therefore endeavors to materialize appropriate industry-university collaborative projects and contribute to society as a private university endowed with a free and pioneering spirit.

2. Basic Concept of Intellectual Property

RU recognizes that it is important not only to provide good education and conduct meaningful research within the university, but also to make the fruits of research available for effective use outside the university in the form of intellectual property. RU also recognizes that it is necessary to protect and manage intellectual property by filing for rights. If intellectual property created in or by RU contributes to the creation of new industries and technical innovation, and if the income arising from these results is returned to RU and its researchers, the university can realize more active research and

education and thereby better recycle the fruits of its efforts in creating additional new intellectual property. Moreover, if researchers can understand social needs in a way which throws new light on their existing views, more positive recycling can also be expected, in the sense that researchers will feel a stimulus to develop and deepen their research in order to create new intellectual property.

RU therefore takes measures to produce, protect, manage, and use intellectual property so as to encourage a positive cycle of new research and thereby accomplish its mission of contributing to society more efficiently. It should be emphasized that these measures are in no way intended to limit the researcher's freedom in education and research, but rather, to achieve a higher level of activity in research and education.

Chapter 2 Purpose of Intellectual Property Policy and the Organization for Practice

1. Purpose of the RU Intellectual Property Policy

The Ritsumeikan University Intellectual Property Policy ("IP Policy") is established in order to clearly define RU's basic philosophy and policies on the production, protection, management, and use of intellectual property at RU and opens the IP Policy inside and outside the university.

Based on this IP Policy, researchers who participate in industry-university collaboration inside or outside of RU can stand on a commonly recognized foundation and engage in collaboration confidently, while RU can encourage more active industry-university collaboration and accomplish its mission of contributing to society .

2. Rules for Realizing IP Policy

RU has established separate Rules for Inventions and other rules for concrete procedures, together with their contents, based on the IP Policy.

3. Relationship of IP Policy and Other Policies

In order for staff who participate in industry-university collaboration to engage in such work with assurance, RU not only establishes an IP Policy but also takes proper measures to deal with conflicts of interest. RU has therefore established a Policy on Conflict of Interest.

To date, forms for interchanges between industry and the university have been used to receive funds for work such as joint research, commissioned research, and donations, and these forms continue to be important elements in collaboration. RU has therefore established an Ethical Code for Interchanges with Non-University Parties as a basic guideline for such interchanges.

The above policies and related rules and regulations have been established as basic guidelines for industry-university collaboration, in addition to RU's Intellectual Property Policy and its related rules and regulations.

4. Management for Practicing the Policy

RU has established an Intellectual Property Office ("IPO") as the managing organization for practicing the IP Policy with the function of promotion and control of the production, protection, management, and use of intellectual property.

The establishment and systems of the IPO are provided for separately by the Rules for RU Intellectual Property Office

Chapter 3 Persons Subject to RU's Intellectual Property Policy

Persons subject to the conditions of RU's Intellectual Property Policy are called "Subject Person." A Subject Person under the IP Policy means (1) a person in an employee-employer relationship with RU, such as full-time teaching or non-teaching staff member of RU, (2) a person who agrees to accept management under the IP Policy among guest professors, guest researchers, and similar, and (3) other persons who agree to accept management under the IP Policy. Details of persons subject to application of the IP Policy are provided for in individual rules and regulations.

Chapter 4 Treatment of Intellectual Property

1. Intellectual Property under the IP Policy

Various types of intellectual property are considered intellectual creations at RU. The relevant legal rules vary depending on the type of intellectual creation. Respective methods of management are provided for under the following classifications.

- (1) Inventions under patent rights, devices under utility model rights, designs under design patents, and species under breeders' right (hereinafter collectively called "Invention")
- (2) Integrated circuit layouts under integrated circuit layout use rights (hereinafter called "Circuit")
- (3) Copyrightable works under copyrights (hereinafter called "Copyrightable Works")
- (4) Tangible materials created as results of research and development (hereinafter called "Research Material")

2. Invention

- (1) Ownership

RU has established systematic measures for the production, protection, management, and use of intellectual property. In order to contribute to society effectively, if a Subject Person makes an “invention which by nature falls in the work scope of RU and the activities of the Subject Person resulting in the invention belongs to his/her present or past work scope at RU (hereinafter called “Work-related Invention”),” RU shall succeed to the right to obtain the patent with regard to the said Work-related Invention.

However, in cases where RU declines to succeed to an invention for reasons related of national laws and regulations or the rules of RU, patentability, marketability, or other reasons, the said invention shall not belong to RU from the beginning, but to the inventor.

(2) Identification of Work-related Inventions

Based on the IPO’s study, the Invention Committee decides whether an invention made by a Subject Person falls under the category of Work-related Invention. In doing so, the IPO and the Invention Committee shall in principle treat the following inventions as Work-related Inventions.

Invention which are the result of research carried out by a Subject Person using (a) RU owned or controlled funds or (b) RU facilities, equipment or other resources.

(3) Applications for Patents

RU has established Rules for Inventions which are applicable when applying to the Japan Patent Office (“JPO”) and other relevant authorities for patents for inventions made by Subject Persons.

An invention acquires an exclusive right only after an application is filed with the JPO for a patent for the invention, and the patent is granted and registered with the JPO. From the viewpoint of patent protection, it may be preferable to apply for as many patents as possible. On the other hand, RU must bear considerable expenses in the process of patent application, registration, and maintenance, and it is questionable whether RU can accomplish its mission of contributing to society if these expenses exceed the income earned by returning the invention to society.

Therefore, in assessing whether to apply for patents, RU makes an overall evaluation of the invention, including its patentability and potential social contribution, as well as its marketability and the expense of the patent application process. The IPO in principle assesses whether applications should be made for a patents for inventions within four weeks from receipt of the invention disclosure. If the IPO is unable to make an adequate assessment within this period for reasons related to coordination with

parties outside RU, IPO shall consult with the inventor regarding measures.

(4) Management

When RU applies for a patent for an invention, RU shall manage the related rights appropriately to ensure effective use. To this end, the IPO organizes a management system for rights and work with outside organizations.

As discussed in the above paragraph (3) Applications for Patents, in light of the fact that RU must bear considerable expense to establish and maintain rights related to inventions, RU decides whether it should maintain rights or not based on an overall evaluation, including profitability and maintenance expenses.

(5) Use

The purpose of RU's measures related to intellectual property is to make the results of research available to society in the form of intellectual property and thereby to contribute to society. The return of a reasonable income to RU is expected to contribute to more advanced research and new research results at RU. Matters which may arise in the use of invention-related rights outside of RU, such as by whom an invention may be used, whether an invention is to be licensed or assigned, whether the license is to be exclusive or not, the amount of compensation to be requested, and similar are decided individually by RU in a flexible manner, depending on the respective case, in consideration of RU's basic purpose of contributing to the creation of new industries and to society to the maximum extent. RU also bears in mind cooperation with outside organizations such as the TLO in order to promote the use of its rights more effectively.

(6) Compensation to Inventors

RU pays compensation to inventors when it succeeds to invention-related rights and is granted patents for the invention concerned. In particular, in cases where RU receives income by assigning or granting licenses to inventions to entities outside RU, RU shares the said income with the inventor with the aim of encouraging more active research in RU. In such cases, RU shall allot to the inventor(s) 50% of the income received, after deducting patent application expenses and similar costs. Details of compensation to inventors are provided for separately in Rules for Inventions.

3. Integrated Circuit Layouts

When a Subject Person creates an integrated circuit layout in work at RU, its creators shall belong to RU. However, if RU judges it is not appropriate to assume

the creatorship for reasons related to national laws or regulations, university rules, the possibility of obtaining a right thereto, or marketability, the creatorship of the Circuit shall not belong to RU from the beginning, but to the person who created the Circuit.

4. Copyrights

(1) Classification of Copyrightable Works

Under the IP Policy, Copyrightable Works shall be classified as follows.

- a. Computer programs
- b. Databases
- c. Copyrightable Works other than those falling under a. and b. above.

Hereinafter, items which fall under the above a. and b. are collectively called Copyrightable Programs and those falling under c. are called Other Copyrightable Works.

(2) Copyrightable Programs

In managing Copyrightable Programs, works which are created under RU's initiative by RU staff engaged in work for RU falling under the category of Copyrightable Works are termed Work-related Copyrightable Works. The author of Work-related Copyrightable Works shall be RU. Details are provided for in RU's Database Management Rules.

(3) Other Copyrightable Works

The ownership of Other Copyrightable Works shall in principle be determined in accordance with the provisions of Article 15, Clause 1 of the Copyright Law, which provides for so-called Work-related Copyrightable Works.

If necessary, RU shall prepare a separate management procedure for cases where Copyrightable Works do not fall under the category Work-related Copyrightable Works and do not belong to RU, and for other cases.

In principle, the IPO shall not manage Copyrightable Works. However, if the Copyrightable Works are related to other intellectual property such as inventions or if the author requests, the IPO shall consult separately with the author as to the handling of the said Copyrightable Works, including their ownership.

(4) Research Materials

A Subject Person may create or acquire tangible materials as a result of his or her research and development activities. As examples, the following are assumed.

- (1) Products which show that the purpose of such activities has been achieved.
(e.g., new chemical substance useful for treatment for a disease, newly developed information processing equipment, newly discovered species of insect, etc.)
- (2) Products used to obtain the above (1).
(e.g., newly composed intermediate substance of chemical, element used in production of information processing equipment, antibody build-up for new antibody, etc.)
- (3) Products which are derivatively created or obtained in obtaining the above (1) or (2).
(e.g., new microbe B obtained in the course of screening or separating targeted microbe A, etc.)

If necessary, RU shall prepare rules for research materials created or obtained at RU and rules for accepting research materials from outside of the university after studying the cases of RU and other universities. However, before preparation of the above-mentioned rules is completed, the IPO shall consult with appropriate persons inside and outside the university and adopt the necessary measures.

Chapter 5 Ownership of Intellectual Property Created in Industry-University Exchanges

The rights to intellectual property created with outside organizations in industry-university exchanges (hereinafter, such outside organizations are called "Counterpart Enterprise") such as commissioned research and joint research belong primarily to the creator of the intellectual property, as follows:

- (1) If a RU researcher solely creates the intellectual property, the related right shall belong to the creator or to RU (hereinafter called collectively "RU, etc.").
- (2) If a Counterpart Enterprise researcher solely creates the intellectual property, the related right shall belong to the creator or to the Counterpart Enterprise (hereinafter called collectively "Counterpart Enterprise, etc.").
- (3) If an RU researcher and a Counterpart Enterprise researcher jointly create the intellectual property, the related right shall belong jointly to RU, etc., and Counterpart Enterprise, etc.

While the above shall apply as basic principles, RU shall also take into account the special circumstances of each case and manage cases in a flexible manner, for example, by assigning or granting licenses to rights which belong to RU at a reasonable consideration.

Chapter 6 Non-disclosure Agreement

At the beginning of an industry-university research exchange, the Counterpart

Enterprise or equivalent outside party may request that RU execute a Non-disclosure agreement, and vice versa.

In such cases, the IPO shall ensure adequate management, for example, by consulting with the persons concerned.

Chapter 7 Students

RU undergraduate students and postgraduate students (hereinafter called "Student") do not fall under Subject Person insofar as the Student is engaged in ordinary research at RU. However, if the Student is engaged in work for RU in an employee-employer relationship with RU, or agrees to submit to RU's IP Policy, the Student becomes a Subject Person. In this case, RU shall give consideration so as not to harm the student's right to receive an education and freedom of choice.

However, accepting the IP Policy can normally be expected to be of great benefit to the Student, because he/she may devote him/herself to education and research under a single guideline at the same laboratory at RU, as together with the supervising RU staff at the laboratory, he/she becomes a Subject Person and can allow RU to manage inventions under the same procedures as for staff.

Chapter 8 Others

The IP Policy shall come into force on April 4, 2004, and shall not be retroactive to cases before that date.

March 24, 2004

Confirmed by The Standing Council Committee